

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2005/0207931, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claims 31-72 have been canceled.

New Claims 130-177 have been added. Claims 130-172 are in the same inventive category as the canceled claims.

Independent Claim 130 is supported in the specification at paragraph [0023].

Independent Claim 133 is supported by Claim 67.

Independent Claim 144 is supported in the specification at paragraph [0016].

The remaining dependent claims in this subject matter category are supported by the canceled claims.

Claim 173 is analogous to Claim 74. Claim 174 is analogous to Claim 83. Claim 175 is analogous to Claim 112. Claim 176 is analogous to Claim 118. Finally, Claim 177 is analogous to Claim 119.

No new matter is believed to have been added by the above amendment. Claims 73-177 are now pending in the application.

REMARKS

The rejections of claims under 35 U.S.C. § 102(b) as anticipated by any of US 5,247,052 (Luckë et al), US 5,910,558 (Schoenherr et al), or US 5,370,911 (Throne et al), are all respectfully traversed. None of the applied prior art discloses a powder comprising a first fraction that is present in the form of substantially spherical powder particles as a matrix material, and at least one other fraction in the form of strengthening and/or reinforcing fibers, wherein the medium length L50 of the fibers maximally corresponds to the value of the medium grain size d50 of the spherical powder particles, as in Claim 130, or a powder comprising a first fraction that is present in the form of substantially spherical powder particles as a matrix material, and at least one other fraction in the form of strengthening and/or reinforcing fibers, wherein the medium grain size d50 of the spherical powder particles is in the range from 20 to 150  $\mu\text{m}$ , as in Claim 133, or a powder comprising a first fraction that is present in the form of substantially spherical powder particles as a matrix material, and at least one other fraction in the form of strengthening and/or reinforcing fibers, wherein the fibers are embedded into the matrix material as in Claim 144. Accordingly, it is respectfully requested that these rejections be withdrawn.

The rejection of Claims 31-72 under 35 U.S.C. § 103(a) as unpatentable over Schoenherr et al in view of Throne et al, is respectfully traversed. Since neither Schoenherr et al nor Throne et al disclose the subject matter described above with regard to the rejection under 35 U.S.C. § 102(b), it is clear that neither reference remedies the deficiencies of the other. Accordingly, it is respectfully requested that this rejection be withdrawn.

The provisional rejection of Claims 31-72 on the ground of nonstatutory obviousness-type double patenting over Claims 1-13 of copending Application No. 10/593,573 (copending application), is respectfully traversed. The Examiner is respectfully requested to hold the

rejection in abeyance until the present claims are found to be allowable but for this rejection or the copending application has been patented. See M.P.E.P. 822.01.

For all the above reasons, it is respectfully requested that the provisional rejection be held in abeyance, if not withdrawn.

The objections to Claims 33 and 50 are now moot in view of the cancellation of these claims. Accordingly, it is respectfully requested that the objection be withdrawn.

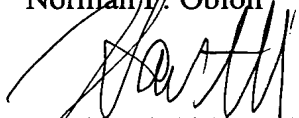
Regarding the attachment referred to at page 1 of the Office Action, **submitted herewith** is an English translation of "Die Kunststoffe und ihre Eigenschaften" authored by Dipl.-Ing. Hans Domininghaus, VDI-Verlag GmbH, Duesseldorf, 1976, pp. 270-273.

Applicants respectfully call the Examiner's attention to the Information Disclosure Statement (IDS) filed June 5, 2007. The Examiner is respectfully requested to initial the Form PTO 1449 submitted therewith, and include a copy thereof with the next Office communication.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. The Examiner is respectfully requested to rejoin non-elected method claims of even scope, and in the absence of further grounds of rejection, pass this application to issue with all pending claims.

Respectfully submitted,

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